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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,262	01/11/2002	Jun Kamada	826.1783	6257

21171 7590 09/06/2006

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1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/042,262		KAMADA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Evans Augustin		3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

This is in response to an amendment file on 08/25/2006 and 6/23/06 for letter for patent filed on 1/11/2002. In the amendment, claims 1, 9-13, 17, 19-21 have been amended. Claims 1-21 are pending in the letter.

***Response to Arguments***

1. The United States Patent and Trademark Office has fully considered the applicant's arguments on filed on 06/21/2006 and 08/25/06, but has not found those arguments to be persuasive.

**Argument 1:** Ginter et al. does not teach the aspect of discriminating between a normal and secure task

**Response 1:** Per applicant's specification, a normal processor executes normal task (unsecured task) and secure processor executes secured tasks (page 9, line 25 and page 10, lines 1-3). The aspect of **discriminating between tasks is not taught in the applicant's specification**. The prior art by Ginter et al. has self-contained computing and processing environments that may include their own **operating system kernel** including code and data processing resources (column 79, lines 34-37). A kernel manages the basic hardware resources of electronic appliance, and **controls the basic tasking** provided by the operating system (col. 88, lines 51-53). It also **manages allocation, deallocation, sharing and/or use of memory** (col. 88, lines 63-65). The environment **can recognize** (differentiate or discriminate), **process and store secure and non-secure data** (col. 80, lines 20-67).

Application stands finally rejected.

***Status of Claims***

1. Claims 1-21 have been examined.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 11, 13, 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter that was not described in the application as originally filed. The amended claims recites the limitations of “discriminating between”....“responsive to the discrimination”. These aspects of the limitations are not described in the specification as originally filed.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

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application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (U.S. 6427140).

The United States Patent and Trademark Office (USPTO) is analyzing the claimed invention as a content/software/program/code distribution system between a content/software/program/code owner, a distributor or store and end users. The distributor pays a fee for the content/software/program/code that gets distributed to an end user with a multiprocessor machine. The invention describes the architecture of the multiprocessor system vis a vis the content/software/program/code. The invention describes the aspects of the encryption and verification (respectively) of the content/software/program/code within the user multiprocessor system.

As per claims 1-21, Ginter et al. discloses a invention that relates to computer-based and other electronic appliance-based technologies that help to ensure that information is accessed and/or otherwise used only in authorized ways, and maintains the integrity, availability, and/or confidentiality of such information and processes related to such use computer system that relates to development architecture frameworks, and more particularly to managing an environment of a development framework. The invention comprises of the following:

- An environment for electronic information owners, distributors, and users; financial clearinghouses; and usage information analyzers and resellers (column 3, lines 45-48)

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- Multiprocessing system with multiprocessing system, in which content/software/program/code is encrypted through the components of the multiprocessor system (column 72, lines 31-67, column 73, lines 24-33)
- Memories stories encrypted and unprotected content (column 21, lines 22-37)
- Allocating task or task manager (column 83, line 36, column 88, lines 51-67). The prior art by Ginter et al. has self-contained computing and processing environments that may include their own **operating system kernel** including code and data processing resources (column 79, lines 34-37). A kernel manages the basic hardware resources of electronic appliance, and **controls the basic tasking** provided by the operating system (col. 88, lines 51-53). It also **manages allocation, deallocation, sharing and/or use of memory** (col. 88, lines 63-65). The environment **can recognize** (differentiate or discriminate), **process and store secure and non-secure data** (col. 80, lines 20-67)
- Content/software/program/code being stored in units of physical allocation memory (bytes) (column 68, line 51)
- Verify data through the components of the multiprocessor system (column 125, lines 60-67)
- The system also uses digital signature to authenticate the communication of content (column 22, lines 5-10)
- Employing a plurality of encryption keys (column 21, lines 65-67, column 22, lines 1-10, column 49, lines 1-59), in an non-volatile memory (column 49, lines 9-12)
- The aspects of using session keys (column 220, lines 20-21)

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- System uses secure hardware (including drives) with a secure/trusted architecture (column 13, lines 5-25)
- The storing of secure and non-secure information can be stored in a single memory chip. The system uses a memory management unit to manage the execution space (column 69, lines 9-42)
- System teaches Electrically Erasable Programmable Read Only (EEPROM) (column 70, lines 66-67, column 71, lines 1-5)
- Circuitry designed to "zeroize" memory may be included as an aspect of self-destruct processes (column 64, lines 30-31)

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Any new ground(s) of rejection is due to the applicant's amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779.

Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-6584.

Evens J. Augustin  
August 30, 2006  
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 8/30/06  
**ANDREW FISCHER**  
**PRIMARY EXAMINER**